

REMARKS**I. General**

The issues raised in the Office Action mailed June 6, 2005 in the instant application are as follows:

- Claim 4 is objected to for informalities and under 37 C.F.R. § 1.75; and
- Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as anticipated by McIntyre, U.S. Pat. No. 4,097,012 (hereinafter *McIntyre*).

Applicant hereby traverses the outstanding rejections of the claims, and requests reconsideration and withdrawal of the outstanding rejections in light of the amendments and remarks contained herein. Claims 1-3 and 5-12 remain pending in this application.

II. Claim Objection

Claim 4 is objected to for informalities. The Office Action has objected to claim 4 under 37 C.F.R. § 1.75 as failing to further limit the subject matter of parent claim 1. However, Applicant canceled claim 4, in an Amendment filed March 1, 2005. Therefore, the Office Action's objection seems moot, or misplaced. If the claim objection was intended to be directed to another claim, Applicant requests that such objection be advanced in a non-final Office Action so that Applicant may have a full and fair opportunity to address such objection. Further, Applicant respectfully requests that the Examiner review the amendments presented in the March 1, 2005 Amendment to ensure that these amendments to the claims and abstract were properly entered.

III. Rejection(s) under 35 U.S.C. § 102(b)

Claims 1-12 are rejected under 35 U.S.C. § 102(b) as anticipated by *McIntyre*. As a preliminary matter, the Examiner's attention is directed to related U.S. patent Application Serial No. 10/751,094, a "co-divisional" application of the present application. Applicant respectfully notes that *McIntyre* was cited in a § 102 rejection in 10/751,094, in much the same fashion as it is cited in the present application. This rejection in 10/751,094 was appealed and, in light of Applicant's Appeal Brief arguments, the rejections in 10/751,094

employing *McIntyre* were withdrawn. Regardless, Applicant respectfully traverses the rejections of claims 1-3 and 5-12 as anticipated by *McIntyre* for the reasons advanced below.

The recited reference does not teach all claimed elements.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections do not satisfy one or more of these requirements.

Each of independent claims 1 and 8 recite “rotatably attaching a first mount bracket to a first assembly” and “rotatably attaching a second mount bracket to a second assembly.” *McIntyre* fails to show rotatably fastening a first mount bracket (30) to a first assembly, while a second mount bracket is rotatably fastened to a separate, second assembly. Both of the mount brackets (30) shown in FIGURE 1 of *McIntyre* are rotatably fastened to a single support, support member 20. Thus, Applicant respectfully contends that the Examiner’s recitation of *McIntyre*’s support member 20 and base 11 as the first assembly, with *McIntyre*’s support member 20, base 11 and wing nut 24 cited as the second assembly recited in claim 1, is misplaced. For at least the above reasons, *McIntyre* fails to teach at least “rotatably attaching a first mount bracket to a first assembly” and “rotatably attaching a second mount bracket to a second assembly,” as recited by independent claims 1 and 8.

Claim 1 also recites “rigidly attaching perpendicular arm portions of said first and said second mount brackets together.” *McIntyre* does not disclose these elements either. The Office Action cites Radio R of *McIntyre* as teaching this element. However Applicant notes that the first legs (32) of the mount brackets (30) of *McIntyre* are not attached together as recited by claim 1, but rather both are separately joined to radio R. Thus, *McIntyre* clearly fails to show “rigidly attaching perpendicular arm portions of said first and said second mount brackets together” as recited by claim 1.

Claim 8 recites “connecting a perpendicular arm of said first mount bracket to a perpendicular arm of said second bracket in at least two positions along a rotational axis.” First, Applicant notes that the Office Action does not seem to deal directly with these elements. However, *McIntyre* does not disclose these elements, either. As noted above, the first legs (32) of the mount brackets (30) of *McIntyre* are not connected as recited by claim 8, but rather both are each separately secured to radio R. Thus, *McIntyre* clearly fails to show at least “connecting a perpendicular arm of said first mount bracket to a perpendicular arm of said second bracket” as recited by independent claim 8.

For at least the foregoing reasons, Applicant respectfully asserts that *McIntyre* fails to teach all elements of independent claims 1 and 8, particularly arranged as required by the claims and/or in as complete detail as recited by the claims. Therefore, independent claims 1 and 8 are patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between the claims and the art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2, 3 and 5 through 7 each ultimately depend from base independent claim 1, and claims 9 through 12 each ultimately depend from base independent claim 8. Thus, each of claim 2, 3 and 5 through 7 inherits all elements of claim 1 and each of claims 9-12 inherits all elements of claim 8. Therefore, for at least the reasons advanced above in responding to the rejection of claims 1 and 8, each of claims 2, 3, 5 through 7 and 9 through 12 sets forth features and elements not disclosed by *McIntyre*. Thus, Applicant respectfully asserts that at least for the above reasons claims 2, 3, 5 through 7 and 9 through 12 are also patentable over the 35 U.S.C. § 102 rejections of record.

IV. Conclusion

In view of the foregoing, Applicant believes the pending application is in condition for allowance. Therefore a timely Notice of Allowance is respectfully solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10017979-4, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can be helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482712615US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: August 29, 2005

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Respectfully submitted,

By 

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